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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jeffrey John Jancula

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/924,712	JANCULA, JEFFREY JOHN	
	Examiner	Art Unit	
	Minh Dieu Nguyen	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 and 89-100 is/are pending in the application.
- 4a) Of the above claim(s) 88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-26,28-33,36-42,44-54,56-59,61-69,71-79,81-87 and 89-100 is/are rejected.
- 7) ☒ Claim(s) 2,24,27,34,35,43,55,60,70 and 80 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated February 6, 2006 with the amendments to claims 1, 17, 41, 63, 73 and 78, the cancellation of claim 88 and the addition of claims 91-100.

Claims 1-87 and 89-100 are pending.

Response to Arguments

2. Applicant's arguments, filed February 6, 2006, with respect to the rejection(s) of claim(s) 1-87 and 89-90 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Walker et al. (6,477,513), McKenney et al. (2006/0004670), Schneier (Applied Cryptography) and Stallings (Cryptography and Network Security).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-7, 13-17, 22-23, 25-26, 28-33, 36-38, 41-42, 44-48, 53-54, 56-59, 61-63, 68-69, 71-73, 78-79, 81-84, 91-93 and 96-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,477,513).

a) As to claims 1, 41, 78, 91 and 99, Walker discloses a method and system for executing electronic transactions comprising establishing a relationship among the parties (col. 2, lines 20-37); creating a document initiated by one of the parties (col. 5, lines 42-43); adding verifying information to the document about each of the parties to the document in order to validate the document (col. 5, lines 42-49); adding an expiration time to the document in order to validate the document (Fig. 6, element 612); at least one of the parties presenting the document to at least one other of the parties prior to communication of the confidential information therebetween (col. 9, lines 55-56) and the other of the parties permitting the communication of the confidential information (i.e. granting permission certificate) therebetween only if the document is valid and the expiration time has not passed (col. 10, lines 18-20). Walker does not explicitly disclose permitting the communication of the confidential information if expiration time has not passed, however there is a direct relationship between a contract, a cryptographically-enabled account (CEA) and account terms and conditions (ATAC) (col. 9, lines 58-65), ATAC includes the expiration date of the contract, further Walker discloses a CEA has a finite lifetime dictated by the ATAC, before the expiration date of the account, a permission certificate needs to be enabled to the seller (col. 11, lines 40-64). This anticipates permitting the communication of the confidential information if expiration time has not passed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of permitting the communication of the confidential information if expiration time has not passed so as to confirm the validity of the document.

b) As to claims 3, 44 and 96, Walker discloses a portion of permission certificate is encrypted (col. 7, lines 58-59), the encryption concept can be implemented on a portion of the contract so as to enhance security of certain data in the contract.

c) As to claims 4, 14, 28, 36, 45, 56, 61, 71, 81 and 97, Walker discloses at least a portion of the document is symmetrically encrypted (col. 9, lines 5-10).

d) As to claims 5, 15, 29, 37, 46, 57, 62, 72, 82 and 98, Walker discloses at least a portion of the document is asymmetrically encrypted (col. 9, lines 5-10).

e) As to claims 6, 16, 22, 47, 83 and 99, Walker discloses the document includes a digital signature of each of the parties (col. 9, lines 12-33).

f) As to claims 7 and 17, 38, 48, 63, 73, 84 and 100, Walker discloses the encrypted information (i.e. encrypted permission certificate) is capable of decryption using an encryption key (Fig. 18) (also see addressed claim 3).

g) As to claims 13, 25, 53, 58 and 68, Walker discloses a method and system for executing electronic transactions comprising establishing an electronic communication relationship among all the parties (col. 2, lines 20-37); creating an electronic ticket initiated by a first of the parties (col. 5, lines 42-43); adding security information pertaining to the first party to the electronic ticket (Fig. 12, element 1214) and then sending the electronic ticket to a second of the parties (Fig. 13, element 1302);

adding security information pertaining to the second party to the electronic ticket (Fig. 13, element 1304) and then sending the electronic ticket to a third of the parties (Fig. 13, element 1306); validating the electronic ticket by verifying the security information pertaining to the at least three parties; at least one of the parties presenting the electronic ticket to another of the parties prior to communicating confidential information therebetween (col. 9, lines 55-56) and the other of the parties permitting the communication of confidential information (i.e. granting permission certificate) therebetween only after the electronic ticket is validated (col. 10, lines 18-20).

Walker does not explicitly disclose validating the electronic ticket by verifying the security information pertaining to the at least three parties, however Walker discloses using digital signature in the contract to prevent buyer or seller from altering or repudiating the contract (col. 6, lines 51-53) and practicing digital signature to ensure the authenticity of senders as well as the integrity of communications (col. 9, lines 16-18). This anticipates validating the electronic ticket by verifying the security information pertaining to the at least three parties.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of security information (digital signature) pertaining to at least three parties and verifying them to validate the electronic ticket so as to confirm the validity of the contract (i.e. electronic ticket).

h) As to claims 23, 26, 32, 42, 54, 59, 69 and 79, this limitation is addressed in claim 1.

i) As to claim 30, Walker discloses a method and system for executing electronic transactions comprising requiring the security document to be presented to the first party by one of the second and third parties prior to permitting the communication of confidential information (col. 9, lines 55-56); permitting the communication of confidential information (i.e. granting permission certificate) of the second party with the third party only after verifying that the security document is valid (col. 10, lines 18-20).

Walker does not explicitly disclose adding encrypted security information pertaining to the first party to a security document, however Walker discloses the security information pertaining to each of the parties (col. 5, lines 42-49). Walker also discloses several cryptographic protocols such as encryption functions, hash functions can be used to ensure the authenticity of senders as well as the integrity of communications (col. 9, lines 5-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement adding encrypted security information pertaining to the first party to the security document so as to securely protect transmitted data.

j) As to claims 31 and 33, Walker discloses the invention relates to electronic transactions which automatically performs services among parties (Abstract), it anticipates the security document is an electronic document, the encrypted security information being added electronically, the confidential information being communicated electronically and the expiration time is added electronically.

k) As to claim 92, Walker discloses the electronic document is stored by at least one party (Fig. 6).

l) As to claim 93, Walker discloses the third party has use of the electronic document for an unlimited number of times prior to expiration of the electronic document (col. 3, line 20 – col. 4, line 19).

5. Claims 10-11, 20-21, 51-52, 66-67, 76-77, 87 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,477,513) in view of Schneier (Applied Cryptography).

Walker does not disclose the private key is a multiple use key or a one-time use key.

Schneier discloses the lifetime of a key wherein some key can be used one time and other key could be used multiple times over a period of time (page 183-184).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of determining the permitted lifetime of a key as Schneier teaches in the system of Walker so as to reduce number of attacks.

6. Claims 8-9, 12, 18-19, 39-40, 49-50, 64-65, 74-75, 85-86 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,477,513) in view of Stallings (Cryptography and Network Security).

a) As to claims 8-9, 18-19, 39-40, 49-50, 64-65, 74-75 and 85-86, Walker discloses public key encryption (col. 9, lines 5-12). However he does not disclose the encryption key is a public key or a private key.

Stallings discloses encryption key is a public key or a private key (page 165-166).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of public key or private key as encryption key in the system of Walker as Stallings teaches so as to securely protect communicated data.

b) As to claims 12 and 90, Stallings discloses the encrypted information is encrypted with a public key and capable of decryption using a private key (Fig. 6.1 on page 166).

7. Claims 94 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,477,513) in view of McKenney et al. (2006/0004670).

Walker does not explicitly disclose the electronic document further comprises a serial number and the serial number is used for auditing or tracking purposes.

McKenney discloses electronic document comprising a serial number and the serial number is used for auditing or tracking purposes (i.e. transaction reference, table 27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of electronic document comprising a serial number and the serial number is used for auditing or tracking purposes in the system of Walker as McKenney discloses so as to easily monitor electronic document.

Allowable Subject Matter

8. Claims 2, 24, 27, 34-35, 43, 55, 60, 70 and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdn
4/20/06


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